

STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS
Will meet on Monday March 18, 2013 at 10:00 a.m.
Indiana Government Center-South
402 West Washington Street, Room W064
Indianapolis, Indiana

COMMITTEE MEETINGS

10:00 a.m.

CALL TO ORDER & ESTABLISHMENT OF QUORUM

D. Demuth called the meeting to order at 1:00 p.m. and established a quorum pursuant to public notice posted at the principal office of the board at least forty-eight (48) hours before the time of the meeting

Board Members Present:

David Demuth, President
Diane Weisheit, Vice President
Gary Odell
Joseph Barsic
Rebecca Bushong

Board Members Absent:

Diana Bonn

State Officials Present:

Tracy Hicks, Board Director, Indiana Professional Licensing Agency
Rae Harman, Assistant Director, Indiana Professional Licensing Agency
Jeanne Tucker, Inspector, Indiana Professional Licensing Agency
Philip Thompson, Board Advisory Counsel, Office of the Attorney General

ADOPTION OF THE AGENDA

The March 18, 2013 agenda was adopted as amended.

Weisheit/O'Dell
5/0/0
Motion carried.

ADOPTION OF THE MINUTES FROM THE JANUARY 7, 2013 MEETING OF THE STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS

A motion was made and seconded to approve the minutes as amended of the January 7, 2013 meeting.

Weisheit/O'Dell
5/0/0
Motion carried.

IV. OLD/NEW BUSINESS

A. Administrative Hearings, 1:00 p.m.

1. Administrative Hearing in the Matter of 5 Star Nails, MS30400149, SBCBE 11-38

A motion was made and seconded to remove probation.

Weisheit/Bushong
5/0/0
Motion carried.

2. Order to Show Cause in the Matter of Crystal D. Stonebraker, ES20500121, SBCBE 10-32

A motion was made and seconded to issue a Notice of Proposed Default.

Weisheit/Bushong
5/0/0
Motion carried.

3. Administrative Hearing in the Matter of Timothy Shelby, BA10000220, SBCBE 12-70

A motion was made and seconded to issue a Notice of Proposed Default.

Weisheit/Bushong
5/0/0
Motion carried.

4. Administrative Hearing in the Matter of Kim's Nails, MS30400198, SBCBE 12-78

A motion was made and seconded to strike the record up until the motion for continuance and approve continuance in the matter. Notice will be issued to the owner of record at the time the inspection was conducted that caused the filing of the complaint.

Weisheit/Bushong
5/0/0
Motion carried.

5. Administrative Hearing in the Matter of Michelle A. Scott, BC20401126, SBCBE 12-115

A motion was made and seconded to issue a Notice of Proposed Default.

Weisheit/O'Dell
5/0/0
Motion carried.

6. Administrative Hearing in the Matter of James T. Duncan, BC20908940, SBCBE 13-20

A motion was made and seconded to issue a Notice of Proposed Default.

Weisheit/Bushong
5/0/0
Motion carried.

7. Administrative Hearing in the Matter of Hot Nails, MS30600715, SBCBE 13-35

A motion was made and seconded to find the Respondent in violation of three counts and impose fines in the amount of \$250, \$250, and \$500 for a total of \$1000, place the license on indefinite probation with no right to petition for removal of probation for a period of one year, impose costs of proceedings, and the \$5 Office of Attorney General fee.

Weisheit/O'Dell
5/0/0
Motion carried.

8. Administrative Hearing in the Matter of Jonathan' Barber Shop, BS20900155, SBCBE 13-01, Jonathan Barker, BA10600023, SBCBE 13-02, and Jonathan's Barber Shop II, BS21200019, SBCBE 13-03.

A motion was made and seconded to extend suspension of the licenses on an emergency basis for another 90 days. R. Bushong abstained.

Weisheit/O'Dell
4/0/1
Motion carried.

9. Administrative Hearing in the Matter of Gordon A. Parker, BA19600097, SBCBE 13-05.

A motion was made and seconded to extend suspension of the licenses on an emergency basis for another 90 days. R. Bushong abstained.

Weisheit/O'Dell
4/0/1
Motion carried.

10. Administrative Hearing in the Matter of Jomo K. Cole, Sr., BA11000092, SBCBE 13-04.

A motion was made and seconded to extend suspension of the licenses on an emergency basis for another 90 days. R. Bushong abstained.

Weisheit/O'Dell
4/0/1
Motion carried.

11. Administrative Hearing in the Matter of Loc Truong, MA20101086, SBCE 09-17

A motion was made and seconded to remove probationary status.

Weisheit/O'Dell
5/0/0
Motion carried.

12. Administrative Hearing in the Matter of Alexis Riley, BC20500264, SBCE 10-04

A motion was made and seconded to issue a Notice of Proposed Dismissal.

Weisheit/Bushong
5/0/0
Motion carried.

13. Administrative Hearing in the Matter of Kelly Lynn Abel, BC21200567, SBCBE 10-04

A motion was made and seconded to remove probationary status.

Weisheit/Bushong
5/0/0
Motion carried.

14. Administrative Hearing in the Matter of Creative Nails, MS30500244, SBCBE 11-39

A motion was made and seconded to issue a Notice of Proposed Dismissal.

Weisheit/Bushong
5/0/0
Motion carried.

B. Office of the Attorney General Consumer Protection Division Report

Report filed.

C. Consideration of Proposed Findings of Fact, Conclusions of Law, and Order

1. Shree Krishna Thredinot, EH31004164, SBCBE 12-98

A motion was made and seconded to accept the Proposed Findings of Fact, Conclusions of Law, and Order.

Weisheit/O'Dell
5/0/0
Motion carried.

D. Personal Appearances for Disciplinary Compliance

1. Avis Nails, MS39600693, SBCBE 12-13 – Appeared.
2. Nail Expo, MS30500736, SBCE 08-17 – Appeared.

E. Personal Appearances and Consideration of Application for Barber Shop License

1. MillionHaires Barber Shop, Anthony McCrary

A motion was made and seconded to approve the application.

Weisheit/O'Dell
5/0/0
Motion carried.

F. Personal Appearances and Consideration of Application for License Renewal

1. Carolyn Kay Bailey, BC20807104

A motion was made and seconded to approve the renewal on indefinite probation with no right to petition for removal of probation until released from criminal probation.

Weisheit/Bushong
5/0/0
Motion carried.

2. Ashton D. Hopkins, BC20805609

A motion was made and seconded to approve pending proof of reinstatement of her drivers license.

Weisheit/O'Dell
5/0/0
Motion carried.

3. Barry Kay Lewis, BC29302047

A motion was made and seconded to approve pending passing the examination.

Bushong/Weisheit
5/0/0
Motion carried.

4. Savannah Dawn Staggs, BC20807945

A motion was made and seconded to deny the application due to failure to appear.

Weisheit/O'Dell
5/0/0
Motion carried.

5. Trendy Beauty Salon, BS30902683

A motion was made and seconded to approve the application.

Weisheit/O'Dell
5/0/0
Motion carried.

6. Best Little Hair House, BS80373233

A motion was made and seconded to approve the application.

Weisheit/Bushong
5/0/0
Motion carried.

7. Teresa C. Lyon, BC20600787

A motion was made and seconded to approve the application pending passing the examination.

Weisheit/Bushong
5/0/0
Motion carried.

8. Carrie N. Tarak, BC20600393

A motion was made and seconded to approve the application pending passing the examination.

Weisheit/Bushong
5/0/0
Motion carried.

9. Anthony Watkins, BA19700095

A motion was made and seconded to approve the application pending passing the examination.

Weisheit/Bushong
5/0/0
Motion carried.

G. Possible Adoption of New Resolution of Authority

A motion was made and seconded to adopt the new resolution of authority to allow IPLA Executive Director Virgil R. Madden to sign on behalf of the board.

Weisheit/Bushong
5/0/0
Motion carried.

H. Request to Reinstate License Without Passing the Written Examination in the matter of Teresa Grider, BC02155588, Expired 8/1/09

A motion was made and seconded to deny her request.

Weisheit/O'Dell
5/0/0
Motion carried.

I. Consideration of Correspondence from Ulta Salons

A motion was made and seconded that the board was not very receptive to the idea but wants to study it more.

Weisheit/Bushong
5/0/0
Motion carried.

J. Consideration of Administrative Law Judge's Order

1. Joseph J. Willis, SBCBE 12-129

A motion was made and seconded to accept the order.

Weisheit/Barsic
5/0/0
Motion carried.

K. Consideration of Administrative Law Judge's Notice of Proposed Dismissal Order and Objection

1. Bonifacio Velez, SBCBE 12-107

A motion was made and seconded to issue a Dismissal Order.

Weisheit/Bushong
5/0/0
Motion carried.

L. Provisional Licensee Requesting Issuance of a Non-Provisional License

1. Ingrid Xiomara Alvarado De Acosta, BCP1100005 (Tabled from January for a Personal Appearance)

A motion was made and seconded to approve the application.

Weisheit/Bushong
5/0/0
Motion carried.

2. Ana D. Hernandez, BCP1100006

A motion was made and seconded to approve the application.

Weisheit/Bushong
5/0/0
Motion carried.

V. GRANTING OR DENYING PETITION FOR REVIEW AND APPOINTMENT OF ADMINISTRATIVE LAW JUDGE

A. Lexus Robinson

Re: Untimely Petition for Review of Failed Cosmetology Examination

A motion was made and seconded to deny the petition for review.

Weisheit/O'Dell
5/0/0
Motion carried.

VI. CONSIDERATION OF REQUESTS FOR WAIVER

A. Request for Waiver of 820 IAC 4-1-5(d), Completion of Education Within Three Years Of Enrollment

1. Joyce Lynn Aynes
2. Kinya L. Brown
3. Jacquitta Renee Burks
4. Zalika Willett Cowherd
5. Rhonda N. Cromwell
6. Sara Beth Friedman
7. Ryan Nicole Gill
8. Cortez Lamar Shanklin Jr.
9. Kristi L. Simon

10. Andrea L. Timm

A motion was made and seconded to approve the requests and allow six months to complete their education

Weisheit/O'Dell
5/0/0
Motion carried.

B. Request for Waiver of 820 IAC 2-2-3(b), Sitting for Examination Within One Year of Graduation

1. Yazmin L. Bacilio
2. Cydney F. Blackford
3. Courtney E. Burns
4. Trenice D. Cobb
5. Donjanae Freeman
6. Yajaira Zepeda Jimenez
7. Pierre L.A. Jones
8. Brandon M. Sanders
9. Nicole F. Turner
10. Kim Valentine

A motion was made and seconded to approve the requests and allow three months to sit for the examination

Weisheit/Bushong
5/0/0
Motion carried.

C. Request for Waiver of 820 IAC 2-2-3 or 820 IAC 8-2-20, Passing the Examination Within Three Years Of Graduation

1. Scheena N. Hobbs
2. Latavia M. McCurdy
3. Kenya D. Sims
4. Brandon L. Frierson

A motion was made and seconded to approve the requests and allow three months to sit for the examination

Weisheit/Bushong
5/0/0
Motion carried.

D. Request for Waiver of 820 IAC 2-2-3, Sitting for Examination Within One Year of Graduation and Passing the Examination Within Three Years of Graduation

1. Artavious S. Hull
2. Teresa Michelle Johnson
3. Kim Valentine

A motion was made and seconded to approve the requests and allow three months to sit for the examination

Weisheit/Bushong
5/0/0
Motion carried.

E. Request for Waiver of Six Month Experience Requirement to Manage a Salon

1. Lamonica Moore, MA21300044
2. Destin Perry

A motion was made and seconded to deny the requests for waiver

Weisheit/Barsic
5/0/0
Motion carried.

VII. COMMITTEE REPORTS

A. Application Committee

A motion was made and seconded to approve the Application Committee Report as follows.

O'Dell/Weisheit
5/0/0
Motion carried.

COSMETOLOGY APPLICATIONS

A. By Examination:

Beke, Jennifer - Approved on PROBATION with no right to petition for withdrawal of probation for a period of one year for dealing of methamphetamine, follow statutes and rules
Bishop, Laci - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal probation, follow statutes and rules
Chatelain, Angela - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal probation, follow statutes and rules
Coffin, Donna - Approved
Connors, Ashley - Approved
Fraleay, Thomas - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal probation, follow statutes and rules
Freeman, Donjanae – Tabled, pending waiver request
Futrell, James Alexander - Approved
Goen, Monica - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal probation, follow statutes and rules
Hess-Colis, Michele - Approved on PROBATION with no right to petition for withdrawal of probation for a period of one year for forgery, theft, and counterfeiting, follow statutes and rules
Jones, Teka - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal probation, follow statutes and rules
Sausman, Shannon - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal probation, follow statutes and rules
Sizemore, Patricia - Approved
Williams, Tonya - Approved

B. By Reciprocity:

Dang, Hau Phuoc - Approved
Dean, Christina - Approved
Huynh, Thuy T. Mong - Approved
Tamah, Saik - Approved

C. By Provisional:

Calixtro Fierros, Elizabeth - Approved
Cruz-Hurtado, Noemi – Tabled, pending social security number
Meija, Patricia - Approved
Nguyen, Yen – Denied, education not equal
Soriano Garcia, Maria – Approved
Sylla-McDuffie, Fatime – Denied, education not equal

MANICURIST APPLICATIONS

A. By Examination:

Cao, Kim Thuong To - Approved

B. By Reciprocity:

Hoang, Thao Vy – Denied, incomplete application

Ho, Truc Mai T. - Denied, IC 25-8-4-2(a)(1) does not possess a valid license from another jurisdiction

Liang, Ying - Denied, IC 25-8-4-2(a)(2), education not equivalent, attended a nail school

Pham, Hoang Kim - Denied, IC 25-8-4-2(a)(2), education not equivalent, attended a nail school

Tran, Billy – Denied, IC 25-8-4-2(a)(2) does not have required education hours

Tran, Son – Denied, does not have 1 year of licensed practice

ESTHETICIAN APPLICATIONS

A. By Examination:

Richey, Morgan - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal probation, follow statutes and rules

B. By Reciprocity:

Brown, Sondra - Approved

Liang, Ying - Approved

COSMETOLOGY INSTRUCTOR APPLICATIONS

A. By Examination:

Sims, Ivory - Approved on PROBATION with no right to petition for withdrawal of probation for a period of one year for robbery, follow statutes and rules

Watkins, Karma - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal probation, follow statutes and rules

B. By Reciprocity:

Savannah, LaTonia - Approved

BARBER APPLICATIONS

A. By Examination:

Grant, Adrian - Denied

Roberts, Kevin - Approved on PROBATION with no right to petition for withdrawal of probation for a period of one year

B. By Provisional:

Ayala, Fernando - Approved

SALON APPLICATIONS

A. Cosmetology Salon

Fresh Start Spa, 14074 Trade Center Dr. #252, Fishers, IN 46038 – Tabled, pending inspection report and clarification of license needed

Twisted Scissors Hair Studio, 2004 S. Memorial Drive, New Castle, IN 47362 - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal probation for Jeffrey Pence, owner, follow statutes and rules

Wassya Hair Mind & Body Salon, 3801 Lafayette Road, Indpls., IN 46254 – Denied, failed inspection report and unlicensed practice

B. Manicuring Salon

Aqua Spa, 5364 Broadway, Merrillville, IN 46410 – Tabled pending receipt of utility bills.

Sun Nails, 7935 S Emerson Ave, Suite B, Indpls., IN 46237 - Denied, failed inspection report

Cali Nails, 1511 W 81st Avenue, Merrillville, IN 46410 - Approved

C. Esthetics Salon

Cali Nails, 1511 W 81st Avenue, Merrillville, IN 46410 - Approved

D. Tanning Salon

Anytime Fitness Vincennes, 2447 N 6th Street, Vincennes, IN 47591- Approved

E. Barber Shop

MillionHaires Barber Shop, 3939 N Keystone Avenue, Indianapolis, IN 46205 - Approved

VIII. ADJOURNMENT 6:40 P.M.